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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,	Crim No. CR-06-01-BU-DWM
Plaintiff,	
vs.	MOTION TO SUPPRESS
STEVEN QUINN,	INTERROGATION
Defendant.	OF STEVEN QUINN

STEVEN QUINN, the above-named Defendant, by and through his counsel of record, JOHN RHODES and the FEDERAL DEFENDERS OF MONTANA, moves the Court to exclude testimony resulting from the FBI's interrogation of Mr. Quinn because the FBI failed to electronically record the conversation. As the Court is aware, the potential abuse inherent in law enforcement's refusal to record interrogations of suspects has received much media and public attention during the last several years. *See, e.g.*, http://www.nacdl.org/sl_docs.nsf/issues/DE80572E3333DF8E8525703800599B67?OpenDocument. As the Court is also aware, the Ninth Circuit does not require that interrogations be recorded in order for law enforcement to testify to the defendant's alleged

comments. See *United States v. Coades*, 549 F.2d 1303, 1305 (9th Cir. 1977). Given this controlling authority, Mr. Quinn urges the Court to at least instruct the fact-finder to consider with distrust any FBI testimony about what Mr. Quinn allegedly said during his interrogation.

AUSA Marcia Hurd confirms that the government opposes this motion.

DATED this 8th day of May, 2006.

STEVEN QUINN

By: /s/ John Rhodes

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**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on May 8, 2006, a copy of the foregoing document was served on the following persons by the following means:

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/s/ Melissa Haab
FEDERAL DEFENDERS OF MONTANA